



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date: July 10, 2007
Land Use Action Date: **TBD**
Board of Aldermen Action Date: September 17, 2007
90-Day Expiration Date: October 8, 2007

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Nancy Radzevich, Chief Planner
Jean Fulkerson, Principal Planner
Alexandra Ananth, Planner

SUBJECT: **Petition #201-07 JONATHAN F. KANTAR for MICHAEL F. STRIAR** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert an existing detached garage to an accessory apartment for use as a guest house at 41 MONTVALE ROAD, Ward 7, NEWTON CENTRE, on land known as Sec 61, Blk 5, Lot 19, containing approx 38,148 sf of land in a district zoned SINGLE RESIDENCE 1.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

Executive Summary

The petitioner is seeking a special permit for an accessory apartment in a detached structure at the rear of a large single-family residential property in Newton Centre. A small exterior addition that does not meet the 4 year look-back requirements for alterations to detached structures for use as an accessory apartment and the location of an accessory apartment parking space in the side yard setback also require a special permit from the Board of Aldermen.

ELEMENTS OF THE PETITION

The petitioner proposes to convert an existing garage on a single-family residential property to an accessory apartment. The conversion will be accomplished through interior modifications, replacement of the garage doors with a solid wall and glazing, and constructing a 78 sq. ft. addition to enclose a stairway providing access to the second floor. These alterations will allow the apartment to contain a kitchen and living quarters on the first floor, and bedroom and bath on the second floor. A second means of egress is incorporated into the first floor layout.

In addition to a special permit for an accessory apartment in a detached structure, the petitioner also requires a special permit to construct a small addition that incorporates the internal stairway, closet, mudroom, and shower. Further, as the addition is occurring within 4 years of the conversion to an accessory apartment, a special permit is required to allow this small increase in the countable habitable area. The petitioner is also seeking a waiver to allow the parking space for the accessory apartment to be located in the side yard setback and to waive screening of the accessory apartment parking space because other landscaping is already in place.

II. BACKGROUND

There are no previous special permits associated with this property. The subject single-family residential property is located at 41 Montvale Road in Newton Centre and is improved with a 2 1/2 story classical revival style residence and a 1 1/2 story, two-car garage. Both the house and garage were built circa 1910 and are clad in stucco with green tile hipped roofs. The property is individually listed on the National Register of Historic Places.

III ZONING RELIEF BEING SOUGHT

Based on the Chief Zoning Code Official's zoning review, dated June 11, 2007 (SEE ATTACHMENT "A"), the petitioner is seeking relief from or approval through:

- *Section 30-8 (d)(2) allows the Board of Aldermen to grant a special permit for an accessory apartment in a detached structure;*
- *Section 30-8(d)(1)c) and Section 30-8(d)(2)a) allows the Board of Alderman to grant a special permit for an internal stairway in place of exterior stairway together with the new egress to meet life safety requirements;*
- *Section 30-8(d)(1)e) and Section 30-8(d)(2) allows the Board of Alderman to grant a special permit to alter 4-year "look-back" period to allow increase in Table 30-8 countable habitable space by construction of new mudroom and shower within proposed rear addition along with stairs for a detached accessory apartment;*
- *Section 30-19 (m) allows the Board of Aldermen to grant a special permit to allow for exceptions to the provisions of Section 30-19 Parking and Loading Facility Requirements for a parking space 3 ft. from the side setback;*
- *Section 30-19 (i)(1) and Section 30-19(m) allows the Board of Alderman to waive to the extent necessary for parking screening not meeting applicable landscape requirements, subject to receipt of planting details;*
- *Section 30-23 for Site Plan Approval; and*

- *Section 30-24 for Special Permit Approval*

IV. SIGNIFICANT ISSUES FOR CONSIDERATION

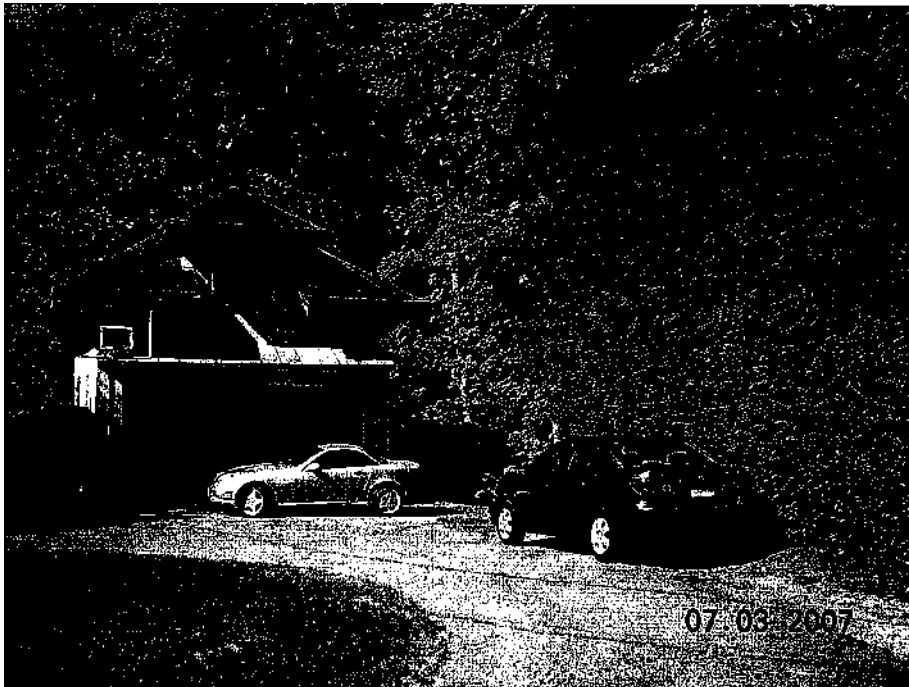
In reviewing this petition, the Board should consider the following:

- *Whether the proposed accessory apartment is an appropriate use for this location and structure;*
- *Whether the conversion of the existing garage into the proposed accessory apartment will have a negative impact on abutting residential properties and the immediate neighborhood;*
- *Whether the proposed location of off-street parking for the accessory apartment within the side yard setback will have a negative impact on abutting residential properties; and*
- *Whether the waiver of screening requirements for the proposed off-street parking space for this use will have a negative impact on the abutting residential property.*

V. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Site

The building is located at 41 Montvale Road, which is in a Single Residence 1 District and "Overlay D" District (*accessory apartments*). The site is improved with a stucco classical revival style single-family dwelling and a matching garage that were built ca. 1910. The main house has approximately 8,009 square feet of living area and the garage is currently approximately 940 s.f. The garage is reached via a long and relatively narrow driveway that sits between two outcroppings of ledge. The garage is located at the rear, of property in a flat area before it drops off steeply toward Commonwealth Avenue.



Existing Carriage House with existing landscaping along side lot line

B. Neighborhood

The subject property is located in Newton Center in an area east of Grant Avenue and south of Commonwealth Avenue. The neighborhood consists primarily of large single-family dwellings that were built in the early-mid 20th century. The subject property, along with the surrounding properties, was built in a subdivision designed by Olmstead, Olmstead, and Elliot. Many of the lots in the immediate neighborhood are also large and well-landscaped.

VI. ANALYSIS

A. Technical Considerations

The following table compares the existing garage and proposed additions to the pre-1953 technical requirements for an accessory apartment in a detached structure within a Single Residence 1 District and an "Overlay D" District. The table illustrates that the proposal meets the special permit thresholds of Section 30-8 for a pre-1953 lot because the lot is over 15,000 s.f., and the total building size (including the principal building and the garage/accessory apartment) is over the minimum of 3,200 s.f. *(in fact, the building size is actually over the RAAP minimum threshold of 4,000 sf).*

Single Residence 1	Required	Existing	Proposed
MM. lot size Acc. Apt. by Spec. Prmt. (30-8)	15,000 s.f.	38,145	38,145 s.f.
Frontage	100 ft.	±140ft.	±140 ft.
Setbacks Acc. Bld. (30-15(m)(1))			
Front	25 ft.	±155 ft.	±155 ft.
Side	5 ft.	5.8 ft (east)	5.8 ft. (east)
Rear	5 ft.	32.5 ft.	26 ft.
Building Height Acc. Bld (30-15(m)(2))	18 ft.	18.0 ft.	18.0 ft.
Max. # of stories	1.5 stories	1.5 stories	1.5 stories
MM. Total Building size for RAAP (30-8)	4,000 s.f.	8009 s.f.	8167 s.f.
MM. Total Building size for Special Permit (30-8)	3,200 s.f.	7069	7069 s.f.
Building size Acc. Apt. (30-8)	400-1200 s.f.	940 s.f.	1098 s.f.
Max. building lot coverage	20%	12.8%	12.9%
MM. amount of open space	65%	76%	76%

As illustrated above, the existing garage conforms to all setback and dimensional requirements for an accessory apartment allowed by special permit.

Although the petitioner's architect states that the garage is 16.8 ft. in height, submitted engineering plans list the height as 18 ft. ***Prior to or at the Public Hearing the petitioner should be expected to clarify this discrepancy.***

B. Parking Requirements Section 30-19

The following table compares the existing and proposed compliance with Section 30-19, Parking and Loading, of the City's Zoning Ordinance. The petitioner proposes to provide three compliant (required dimensions) parking spaces, though the parking space designated for the accessory apartment is proposed to be located within the sideyard setback, 3 ft. from the side property line.

Section 30-19	Required	Existing	Proposed
Parking Requirement	3 total	2	3
Accessory. parking dimensions	9 ft. x 17 ft.	NA	9 ft. x 17 ft.
Accessory parking setback	5 ft.	NA	3 ft.
Driveway width	12 ft.	9 ft*.	11 ft.

**This is a pre-existing condition dating from the original construction of the property.*

The existing driveway has a 9 ft. width of paved surface at its narrowest point. A total of 11 ft. is available between the two ledge outcroppings. The petitioner intends to widen the paved area to provide a width of 11 ft. and to meet as closely as possible the driveway width requirement. Because this is a historically significant structure and landscape, and the rock ledge is an important feature of the landscape, the petitioner does not intend to make any other changes to the driveway that would potentially alter or damage the rock ledge. The Planning Department supports this decision.

C. Newton Historical Commission Review

The garage was likely built in circa 1910 at the same time as the single-family dwelling. It is a Classical Revival style garage constructed of stucco with similar features as the house including the hipped, green tile roof, trim details, and dormers.

Since the special permit needed under Section 30-8 includes the provision that exterior alterations should be in keeping with the architectural integrity of the structure and because the site is located on the National Register of Historic Places, the petitioner appeared before the Newton Historical Commission for a review of the proposed alternations to the garage.

The petitioner's architectural plans call for a small addition to the rear and side of the garage to enclose a new interior stairway for access to the second floor bedroom area. The addition was to be wrapped in a glass material and to reflect a more modern design ethic.

At a public hearing on March 27, 2007, the Newton Historical Commission passed a non-binding recommendation that the stairway to the second floor should be incorporated into the interior of the structure, rather than provided in an addition, but that if the staircase must be located around the corner of the building, then the stairway should be differentiated as necessary to make it clear that the stairway is a later addition. (SEE ATTACHMENT "B

The petitioner revised the architectural plans based on the Commission's recommendation by eliminating the glass cladding in favor of stucco, with the assumption that the stucco will detract less from the original garage structure, and have less of an impact on the abutting properties.

D. Relevant Site Plan Approval Criteria

1. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets.

The petitioner's lot is accessed by a long narrow driveway that brings vehicles uphill to the rear of the property where a circular driveway is located. A carport provides cover for one vehicle parked at the primary residence. A second vehicle can park behind or in front of the carport.

Although one parking stall for the main house is allowed to encroach into the side yard setback, a special permit is needed for the proposed location of the accessory apartment parking stall that is located 3 ft. from the side property line. The petitioner chose this location for the accessory parking spot in order to leave clear access for the vehicles associated with the primary residence, to allow an unobstructed location for the set-up of emergency vehicles, and because vehicles historically have used this same location as an unofficial parking space for many years.

In the development review process for this petition, the Fire Department expressed some concern about access for emergency vehicles, as the driveway width is limited because of exposed ledge on either side of the driveway. The Fire Department requested that the width of the driveway be maximized as much as possible. The petitioner will expand the paved area from 9 ft. in width to 11 ft., which is the maximum that the driveway can accommodate. In addition, the Fire Department requested that a turn-around be provided for ambulance vehicles, to avoid delays associated with backing down such a narrow driveway. Finally, the petitioner is adding paving in front of the accessory apartment to allow a fire truck to park and set up outriggers in the event of a fire emergency. In addition, the petitioner is committed to installing a residential sprinkler system as requested by the Fire Department. See correspondence dated June 19, 2007, (*SEE ATTACHMENT "C"*).

2. Adequacy of the methods for disposal of sewage, refuse, and other wastes, and of the methods of regulating surface water drainage.

The petitioner is upgrading all utility services to the garage, and is proposing to move overhead electrical lines to underground service. The Associate City Engineer reviewed the petitioner's proposal and provided the attached memorandum dated June 19, 2007 (*SEE ATTACHMENT "D"*).

3. Screening of parking areas and structures on the site from adjoining premises or from street by walls, fences, plantings, or other means.

Since much of the driveway and parking areas on the site are already existing, and since the proposed location of the accessory apartment parking area is already screened by a row of mature arborvitae that are located directly on the

property line between the subject property and the abutting residential property, and since there is a storage structure on the abutting property that sits between the property line and other abutting residences, the petitioner has requested relief from the off-street parking screening requirement. The petitioner measures the distance from the property line to the abutting residence as 33 ft.

The Planning Department considers this request to be reasonable.

4. Avoidance of the removal or disruption of historic resources including historical architectural elements.

As noted above, the proposed changes to the garage were presented to the Newton Historical Commission for review. Although the Historical Commission would prefer for the structure to remain unchanged on the exterior, following discussion with the petitioner regarding his decision to place the stairway to the second floor in a small addition along the side and rear of the garage rather than maintain it within the structure, the Commission believed that disruption of this historic resource would be kept to a minimum. At the recommendation of the Commission, the materials used for the stairway addition were changed from a clear glass sheathing shown in earlier versions, to the stucco version currently proposed. The earlier version was an attempt to make use of a modern design ethic and relatively new building material in order to differentiate the addition from the original structure, which the Newton Historical Commission did not support.

From the front of the garage, and from abutting properties, the structure will appear to be largely unchanged. Upon closer inspection, it will be apparent that the enclosed stairway is a modern addition that is sensitively tied to the existing structure.

E. Relevant Special Permit Criteria

1. The specific site is an appropriate location for such use, structure

The location of the subject garage is fairly isolated from direct abutters and from the main single-family dwelling. The specific site appears to be an appropriate location for conversion of the garage to an accessory apartment. In addition, the size of the existing garage appears to be an appropriate size to accommodate the intended use. In making the conversion from garage to accessory apartment, a currently vacant and somewhat dilapidated structure will be entirely preserved and renovated with new windows, new and refurbished trim, and the roof will be repaired.

2. The use as developed and operated will not adversely affect the neighborhood.

Due to the location of the subject garage, as explained above, it appears that the proposed accessory apartment and the associated parking space should not adversely affect the neighborhood.

VII. SUMMARY

The renovation of the garage into an accessory apartment should ensure the preservation of one component of this historically significant property. Initially, the Fire Department expressed concern with the ability of the emergency vehicles to access the proposed accessory apartment, given the presence of three vehicles in the rear of the property, and the narrow width of the driveway. The petitioner has been willing to make adjustments to the paving and to install a sprinkler system in the apartment, but does not wish to make any changes that would compromise the historic integrity of the project. The Fire Department has reviewed and approved the final proposal and, therefore, concerns about emergency access have been addressed.

At the public hearing the Petitioner should be prepared to respond to all issues raised by the Associate City Engineer, Fire, and Planning Departments.

ATTACHMENTS:

ATTACHMENT A: Zoning Review Memorandum, June 11, 2007

ATTACHMENT B: Correspondence from Newton Historical Commission, March 27, 2007

ATTACHMENT C: Correspondence from Fire Department, June 19, 2007

ATTACHMENT D: Memo from Associate City Engineer, June 19, 2007

Zoning Review Memoranda

"ATTACHMENT A"

Dt: June 11, 2007

To: Jonathan Kantar, Sage Builders, representing D. & M. Striar, owners

Fr: Juris Alksnitis, Chief Zoning Code Official

Cc: Michael Kruse, Director, Department of Planning and Development
John Lojek, Commissioner of Inspectional Services

Re: Zoning review of application for a detached accessory apartment.

Applicant: D. & M. Striar

Site: 41 Montvale Rd.	SBL: Section 61, Block 05, Lot 19
Zoning: Single Residence 1	Lot Area: 38,148 sq. ft.
Current use: Single family and carriage house.	Prop. use: Single family and detached accessory apartment.

Background:

The applicant seeks to convert an accessory outbuilding to a detached accessory apartment for use as a guesthouse consistent with architectural recommendations of the Newton Historical Commission. Built circa 1910 in conjunction with the main dwelling known as the Stewart House, this property is located within a lot listed as a specific site on the National Register of Historic Places. The accessory building was formerly used as garage for the owner's automobiles, and the upper level contained the chauffeur's quarters with bedroom, closet and bath, but no kitchen. The subject garage building pre-exists the adoption of Ordinance V-273, Dec. 6, 1999 regulating accessory buildings. Section 30-8(d)(2) requires the grant of a special permit from the Board of Aldermen for a detached accessory apartment.

Administrative determinations

1. *Section 30-8(d), Table 30-8 Dimensional Requirements for Accessory Apartments* (Table 30-8) establishes minimum lot area and building size requirements for accessory apartments in SR-1 zoned areas. The site is located within Accessory Apartment Overlay District D and the subject lot is deemed to be a pre-1953 lot. Lot area of 31,148 sq. ft. meets Table 30-8 lot area requirements. The following analysis is based upon the submitted materials referenced in Plans and Materials Reviewed, below.
2. *Table 30-8* requires a minimum building size of 4,000 sq. ft. without a special permit, and with a special permit allows a lesser building size of 3,200 sq. ft. for buildings constructed on a lot created prior to Dec. 7, 1953. *Section 30-1 Definitions-Building Size*, subparagraph (d) pertains specifically to detached accessory apartments and provides that the combined habitable space of the primary dwelling plus the proposed accessory apartment together constitute "building size." Information provided by the petitioner states that the existing dwelling house has 7,069 sq. ft. and the proposed accessory apartment will contain 1,098 sq. ft. overall within both

stories, totaling 8,167 sq. ft. As the upper story also qualifies as a 1/2 story, and half stories are not included in the calculation of gross floor area of residential buildings, an alternate calculation yields 7,638 sq. ft. for building size. In either case, both figures exceed the minimum requirements noted above.

3. *Section 30-8(d)(1)c* establishes the building size/area requirement (400 sq. ft. – 1,000 sq. ft.) generally applicable to accessory apartments. This range may be further extended up to 1,200 sq. ft. [or up to 33% of the main dwelling, whichever is more], as provided in 30-8(d)(2)a). As stated by the applicant, the accessory apartment will contain 1,098 sq. ft. [over 1,000 sq. ft.] on two floors, including the total area of the upper story as well as the proposed addition. However, as the definition of residential gross floor area excludes 1/2 stories, the figure of 569 sq. ft. is obtained counting only the ground floor. Alternatively, inclusion of only the area within the 1/2 story definition results in 819 sq. ft. [569+250=819]. As the two latter figures do not exceed 1,000 sq. ft., no special permit is needed per 30-8(d)(2)a) as to accessory apartment size.
4. *Section 30-8(d)(1)d*) limits exterior alterations to certain life safety improvements, including up to 2 covered exterior stairway landings, which may not exceed 50 sq. ft. These limitations may be altered by grant of special permit by the Board of Aldermen. Consistent with the recommendation of the Newton Historical Commission (see para. 12, below) the petitioner's plans indicate a new rear internal stairway and egress leading to the second floor. This stair configuration contains 2 landings of approximately 9 sq. ft. (scaled) each. The internal stairway necessitates a special permit per Section 30-8(d)(2).
5. *Section 30-8(d)(1)e*) establishes a 4-year "look-back" period precluding newly constructed improvements, other than certain limited life safety alterations enumerated in Section 30-8(d)(1)d) in conjunction with accessory apartments. This limitation may be altered by grant of special permit by the Board of Aldermen. As the original detached structure has existed since approximately 1910 and the current conditions show significant disrepair extending for a considerable time, the "look-back" requirement is not triggered by conditions existing at this time. However, along with the new interior stairs, the proposed rear addition also includes a new mudroom on the first floor and a new shower on the second floor, increasing habitable space countable within building size and regulated pursuant to Table 30-8. The proposed mud room of approximately 25-30 sq. ft. (scaled) and shower also approximately 25-30 sq. ft. (scaled), necessitate a special permit per Section 30-8(d)(2).
6. *Section 30-8(d)(1)g*) specifically prohibits lodgers "...either in the original dwelling unit or the accessory apartment." The applicant should provide a notarized affidavit evidencing compliance with this requirement.
7. *Section 30-8(d)(1)h*) together with Sections 30-19(d)(2), 30-19(d)(19), and 30-19(g) establish the requirements for parking facilities in conjunction with accessory apartments. Submitted plans indicate two conforming tandem spaces located at the main dwelling under and adjacent to the porte-cochere at the rear of the house. One required space serving the accessory apartment will be provided along the side lot line on the east, located largely within the side setback extending to within 3 ft of the lot line. The proposed space will be surfaced with bituminous concrete or approved equal. Placement of the accessory apartment parking space within the setback area

requires a waiver from the Board of Aldermen per Section 30-19(m). The submitted plan provides a clearance of 9 ft. within the driveway (partially widened), to accommodate passage of other vehicles. The applicant needs to provide additional site detail pertaining to the proposed space and ensuring that vehicular circulation would not be impeded by the proposed configuration.

8. *Section 30-8(d)(1)h* together with *Section 30-19(i)(1)* establish the parking related screening requirements. While the landscape plan and a photo show that considerable mature vegetation exists along the side lot line, it is necessary to determine whether screening meets the provisions of 30-19(i)(1). The applicant is responsible for providing the necessary information and landscape plan details to ensure that proposed parking screening meets one of the options in Section 30-19(i)(1)a)(i)-(iii). It is noted that as the proposed parking space is located 3 ft. from the side lot line, a 5 ft. buffer would not be possible as provided in a)(i). The applicant may elect to adjust the layout so as to meet the referenced standards, or seek a waiver from the Board of Aldermen per Section 30-19(m).
9. *Section 30-8(d)(1)0* requires that the accessory apartment comply with all applicable building, fire, and health codes. It is suggested the applicant arrange an inspection of the subject building by the Inspectional Services Department (ISD) for structural aspects, and obtain an ISD plan review of proposed accessory apartment design plans to confirm that all applicable life safety codes are met. The applicant has proposed a fire apparatus access and turn-around arrangement, which has been reviewed by the Fire Department. The applicant also needs to meet all applicable engineering standards pertaining to water supply and sewer lines. In the event life safety considerations are not fully addressed at the time of application to the Board of Aldermen for special permit, it is recommended such special permit, if granted by the Board, be approved only on condition of full compliance with all applicable life safety codes.
10. *Section 30-15, Table 1- Density & Dimensional Controls in Residence Districts and for Residential Uses (Table 1)*, and *Section 30-15(m)(1)* and *(2)* establish the setback and height provisions applicable to accessory buildings. As the subject garage building was built circa 1910, it predates zoning as well as Ordinance V-273, adopted Dec. 6, 1999 regulating accessory buildings. The existing garage building meets the current setback requirements except for the bulkhead on the easterly side, which comes within 1 ft. of the side lot line. However, as this is a pre-existing nonconforming condition that will not be altered, zoning relief is not required. The proposed addition to the rear meets setback requirements. In addition, the existing and proposed height of the building will be approximately 16.7 ft. as calculated on the survey plan. As a result, the accessory apartment will meet the height and habitable space requirements established in 30-15(m)(2).
- 11 *Section 30-15(m)(3)* establishes a 1.5 story limit for accessory buildings. Submitted plans and calculations indicate that the upper floor meets the 1/2 story requirement as established in Section 30-1, *Definitions – Story, half*.
- 12 The subject existing National Register listed garage structure was built circa 1910 and is also subject to *Section 22-44, Demolition Delay* provisions that apply to buildings over 50 years old. The Newton Historical Commission reviewed the project on March 27, 2007 and in its Record of Opinion stated: "...the NHC would prefer to see the staircase remain on the interior of the existing building or contained on the

rear façade in a stucco clad addition which matches the existing building." The proposed addition plans meet this recommendation.

13. The petitioner has stated that no tree removal is planned. In the event tree removal becomes necessary as part of landscaping upgrading, the petitioner is responsible for complying with Sections 20-31 through 20-39, *Tree Preservation Ordinance*.
14. *Section 30-5(b)(4)* requires a special permit whenever "...the existing contours of the land are to be altered by more than three (3) feet." The applicant states that the proposed work will not involve re-grading with changes in topography exceeding three feet and will so note on proposed plans.
15. While the applicant has submitted no information pertaining to lighting, the petitioner is responsible for complying with Ordinance X-142, Light Ordinance, as set out in Sections 20-23 through 20-28 with respect to *Light Pollution* and *Light Trespass*, respectively.
16. The applicant intends to demolish an existing stockade fence between the subject building and the adjacent property on the east. While this fence will not be replaced, should new fencing be considered, the petitioner is responsible for meeting the requirements of *Section 20-40, Regulation of Perimeter Fences*.
17. Submitted plans lack the respective stamps and signatures of applicable registered professionals preparing the plans and certifying required calculations. Stamped and signed plans should be provided not later than at the time of filing the petition with the Board of Aldermen.
18. The submitted plans comply with the Newton Zoning Ordinance except as outlined in the "Accessory Apartment Zoning Criteria " below.

w. wee Boni • r Summa below.		
Accessory Apartment Zoning Criteria		
Ordinance	Main Dwelling	Complies
30-8(d)(1)(a)	Owner occupied single-family dwelling.	Yes
30-8(d)(1)(b)	Primary dwelling was constructed on or before January 1, 1989.	Yes
30-8(d)(2)(b)	Exterior alterations are in keeping with the architectural integrity of the structure and the residential character of the neighborhood.	N/A
Accessory Building		
30-15, Table 1	Meets front setback for primary dwelling in the SR1 zone.	Yes
30-15(m)(1)	Meets 5 ft. side and rear setbacks for accessory building. Also see para. 10, above	Yes
30-15(m)(2)	Meets 18 ft. height limit for accessory building.	Yes
30-15(m)(2)	Meets 18 ft. habitable space limit.	Yes
30-15(m)(3)	Meets 1.5-story limit for accessory building.	Yes
Detached Accessory Apartment		
30-8(d)(1)(f)	Maximum 1 accessory apartment per lot.	Yes
30-8(d)(1)(d)	Additions and alterations for life safety requirements are exterior and meet applicable dimensional requirements. See para. 4, above and <i>Zoning Relief Summary</i> .	No

Ordinance	<i>Accessory Apartment Zoning Criteria (cont.)</i>	<i>Complies</i>
	Detached Accessory Apartment cont.)	
30-8(d)(1)(e)	Additions and alterations made within prior 4 years may not be applied to Table 30-8 countable habitable space. See para. 5, above and <i>Zoning Relief Summary</i> .	No
30-8(d)(2)(a)	Meets size requirement of 400-1200 sq. ft. (or max. 33% of total building size in main dwelling, if more)	Yes
30-8(d)(2)(b)	Additions and alterations for life safety requirements are in keeping with architectural integrity of the building and the residential character of the neighborhood.	Yes
30-8(d)(1)(i)	Complies with building codes.	TBD*
30-8(d)(1)(i)	Complies with fire codes.	TBD*
30-8(d)(1)(i)	Complies with health codes.	TBD*
	Lodgers	
30-8(d)(1)(g)	No lodgers permitted in either the original dwelling unit or the accessory apartment.	TBD*
	Parking	
30-8(d)(1)(h) 30-19(d)(19)	One stall per accessory apartment. See para. 7, above.	Yes
30-8(d)(1)(h) 30-19(i)(1)	Landscaping buffer between parking and street or between parking and abutting properties is consistent with the options and requirements stated in 30-19(i)(1)(a) – (c). See para. 8., above, and <i>Zoning Relief Summary</i> .	No
30-19(d)(1)	Two parking stalls for each dwelling unit for a 1F dwelling.	Yes
	Table 30-8 Dimensional Requirements SR-1 Overlay D	
30-8(d)	Meets minimum lot size for pre-53 lot (15,000 sq. ft. in SR-1/D).	Yes
30-8(d)	Meets minimum building size (3,200 sq. ft. in SR-1/D), including detached unit per Section 30-1, Building Size, subpara (d).	Yes

*TBD — to be determined.

Ordinance	<i>Zoning Relief Summary</i>	
	<i>Action Required</i>	
	Accessory Apartment	
30-8(d)(2)	Approval of detached accessory apartment in a SR- 1, Overlay D zone.	X
30-8(d)(1)c 30-8(d)(2)a	Approval of accessory apartment, which exceeds 1,000 sq. ft. limit.	N/A
30-8(d)(1)d 30-8(d)(2)	Approval to allow internal stairway in place of exterior stairway together with new egress to meet life safety requirements.	X
30-8(d)(1)e 30-8(d)(2)	Approval to alter 4-year "look-back" period to allow increase in Table 30-8 countable habitable space by construction of new mudroom and shower within proposed rear addition along with stairs for a detached accessory apartment.	X
	Accessory Building	
30-15(m)(2)	Approval of habitable space within half story partially above 18 ft. height limitation.	N/A

<i>Ordinance</i>	<i>Zoning Relief Summary (cont.)</i>	<i>Action Req</i>
	Parking	
30-19(g)(1) 30-19(m)	Waiver to reduce side yard parking setback from 12.5 ft. to 3 ft. for location of accessory apartment parking space.	X
30-19(i)(1) 30-19(m)	Waiver to the extent necessary for parking screening not meeting applicable landscape requirements, subject to receipt of planting details.	X
	Site	
30-23	Approval of site plan, including landscaping.	X
	Special Permit	
30-24(d)	Approval of special permit.	X

Plans and materials reviewed:

- Record of Opinion, Newton Historical Commission, March 27, 2007
- Project Narrative "The Carriage House Restoration, 41 Montvale Rd., Newton, MA", dated May, 2007, transmitted May 21, 2007, prepared by Jonathan A. Kantar, Principal, Sage Builders, LLP.
- Revised Project Narrative "The Carriage House Restoration, 41 Montvale Rd., Newton, MA", dated June, 2007, received June 8, 2007, prepared by Jonathan A. Kantar, Principal, Sage Builders, LLP
- Plan titled "Plan of Land in Newton, MA, 41 Montvale Rd., Newton, MA, preliminary" dated March 7, 2007, prepared by Everett M. Brooks Co., Surveyors & Engineers, 49 Lexington St., West Newton, MA 02465, bearing no stamp or signature.
- Plan set titled "Planning Department Review, Carriage House, 41 Montvale Rd., Newton, MA", dated June 6, 2007, prepared by Sage Builders, LLP, and Michael Kim Associates, bearing no stamp or signature, consisting of the following:
 - Cover Sheet
 - > Plan titled "Plan of Land in Newton, MA, 41 Montvale Rd., Newton, MA, preliminary" by E.M. Brooks, Co. — see above.
 - > Assessors Map for 41 Montvale Rd. (dated 3/21/07)
 - Proposed Landscape Plan
 - > Existing Conditions Images 1, 2, 3, and 4
 - > Existing Conditions Plans (floor plans; roof plan)
 - > Existing Conditions Sections
 - > Existing Conditions Elevations
 - > Proposed Design Renderings and Materials 1 and 2
 - > Proposed Design Plans (floor plans, roof plan)
 - > Proposed Design Sections
 - > Proposed Design Elevations
 - > Half-story Area Comparison



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

Michael T. Kruse, Director

David B. Cohen
Mayor

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RECORD OF OPINION

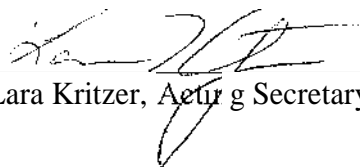
DATE: _____ **March 27, 2007**

SUBJECT: _____ **41 Montvale Road — Special Permit Review**

At a scheduled meeting and public hearing on March 22, 2007 the Newton Historical Commission, by a vote of 7 to 0, passed the following motion:

RESOLVED that it is the opinion of the Newton Historical Commission that the carriage house has a great, symmetrical pavilion form and that the NHC would prefer to see the staircase remain on the interior of the existing building or contained on the rear facade in a stucco clad addition which matches the existing building. If the staircase must be located asymmetrically around the corner of the building, then the NHC suggests that it be differentiated as necessary to set it off as a later addition to the building.

Voting in the Affirmative: John Rodman, Chairman; Rodney Barker, William Roesner,
David Morton, Charles McMillan, Nancy Grissom,
Leonard Sherman


Lara Kritzer, Acting Secretary

Newton Historical Commission

1000 Commonwealth Avenue, Newton, Massachusetts 02459

Email: lkritzer@newtonma.gov

www.ci.newton.ma.us

From: **"Assistant Chief Bruce A Proia" <bproia@newt
To: jfulkerson@newtonma.gov
Date sent: Tue, 19 Jun 2007 13:29:26 -0400
Subject: 41 montvale ave
Priority: normal**

Jean,

I have seen the preliminary plans for 41 Montvale Ave and would make the following comments:

1) The driveway should be a minimum of our 12' minimum, but where it is not possible because of the stone wall, it should be paved for its entire width (11ft). 2) The emergency turn around be included in the final site plans. 3) The carriage house in the rear be sprinklered in accordance with NFPA 13R. As always, the petitioner shall make an appointment with the Fire Dept for a final site plan approval prior to permit. If you have any questions, please call me at 2210. Thanks Bruce

Bruce A. Proia
Assistant Chief of Operations
Newton Fire Department

**CITY OF NEWTON
ENGINEERING DIVISION**

MEMORANDUM

To: Alderman George Mansfield, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit — 41 Montvale Road

Date: June 19, 2007

CC: Lou Taverna, PE City Engineer (via email)
Nancy Radzevich, Chief Planner (via email)
Linda Finucane, Associate City Clerk (via email)
Jean Fulkerson, Sr. planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*Plan of Land in Newton, MA
41 Montvale Road
Prepared by: Evert M Brooks Co.
Dated: March 7, 2007
Revised: 6/13/07*

Drainage:

1. The proposed impervious areas are less than the threshold of (800 square feet) for lot size of 15,000 square feet or greater; therefore, no onsite drainage improvements are required.

Siltation Control:

- An approved type of siltation control will be needed (down gradient) during the installation of the sanitary sewer force main & proposed underground electric services.

Sewer:

1. A detailed profile is needed of the proposed force main that will service the garage. The profile shall show existing and proposed finished grades, pipe material, amount of cover over the pipe. If the cover is less than 4-feet, then the pipe shall be fully insulated.
2. Shop drawings of the proposed pump chamber, pump curves and pump calculations must be submitted with a Utility Connection Permit.

General:

1. Any tree removal shall comply with the City's Tree Ordinance.
2. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water & sewer services. The utility in question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
3. The applicant will have to apply for Utilities Connecting Permit with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
4. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
5. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
6. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

If you have any questions or concerns please feel free to contact me @ 617-796-1023.